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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,697	08/25/2000	Mark E. Redding	230074.0227	6958

7590 11/23/2004  
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EXAMINER

REAGAN, JAMES A

ART UNIT PAPER NUMBER

3621

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/648,697

Applicant(s)

REDDING ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-40 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Status of Claims

1. This action is in response to the amendment filed on 10 September 2004.
2. Claims 1, 3, 4, 11, 13, 26, 31, and 38-40 have been amended.
3. Claims 1-40 have been examined.

### RESPONSE TO ARGUMENTS

4. Applicant's arguments received on 10 September 2004 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

In response to applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wyman discloses a management interface for license management systems. Badonovitz discloses a method for a group leader recovery in a distributed computing

environment. Bains discloses distributive license administration system using a local policy server to communicate with a license server and control execution of computer programs. Ohran discloses a method for rapid recovery from a network file server failure including method for operating co-standby servers. Novaes discloses a dynamic multicast routing facility for a distributed computing environment. Baratti teaches a software licensing management system using clustered license servers. Clearly, the prior art made of record is associated with and drawn to the use of servers in a multi-computer network environment, as well as the use of multiple servers in the computer network environment and a licensing pool framework. It is therefore the continuing professional opinion of the Examiner that these references are properly apply and properly combine to form the rejections under 35 U.S.C. 103(a) as shown in the rejections below.

#### **Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman (US 5,204,897) in view of Ohran et al. (US 5,978,565), further in view of Badovinatz et al. (US 5,704,032), and further in view of Novaes (US 6,507,863 B2) and further in view of the Applicant's own admission.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the *entire* reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 1 and 11:**

Wyman discloses maintaining a license data record of product use and authorizations (column 10, lines 30-35). With regard to the limitation of *at least one client computer coupled to the communication network for requesting authorizations to use the protected software*, Wyman discloses a license management system (abstract). With regard to the limitation of *a pool of license servers coupled to the communication network*, Ohran discloses backup computer servers (abstract). With regard to the limitation of *each license server programmed managing a distribution of one or more allocations to at least one client computer to use the protected software and for maintaining a record of distribution*, Wyman, in Figure 1 and associated text, discloses license servers end users receiving protected software. Maintaining a record is an inherent and obvious requirement to protect against fraud and theft of the protected software.

The combination of Wyman/Ohran does not specifically disclose *the pool of license servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool, wherein upon selecting a new leader server from pool, the new leader server further programmed for receiving from each license server the record of distribution for that license server*. However, Badovinatz discloses designation a new leader in a group of processors when the current leader fails (abstract). Novaes discloses Dynamic Multicast Routing (DRM) in the abstract, and in column 10, lines 38-42, Novaes discloses selecting a new group

leader from a Group leader membership list. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran and modify it with Badovinatx and Novaes because if the primary server has gone down, then a back up server may communicate with the client machine to authorize the use of an application, thereby taking over license management function, thereby increasing efficiency. In addition, the Applicant in the background of the specification (pages 4 and 5) discloses a SentinelLM system which, in the event of a crashed license server, polls each server computer having a license file containing license information corresponding to the protected software program. In this way an update of the currently issued licenses is available. It would have been obvious to one of ordinary skill in the art at the time the invention to combine the multiple server and leader server systems and techniques of Wyman/Ohran/Badovinatx/Novaes with the Applicant's disclosure indicating that a polling process these use to update the current status of issued licenses because in the event of a license server crash proper authorizations for the use of protect the software are maintained.

**Claims 2 and 12:**

With regard to the limitation of *the pool of license servers further including at least one follower server, each follower server programmed for managing the distribution of allocations for that particular follower server*, the rejections of claims 1 and 11 as shown above disclose license servers, back up servers, and leader and follower servers. Wyman, in Figure 1 and related text, shows servers storing license information in a local database and delegating authorizations through delegate servers (column 11, lines 12-16). Wyman also discloses delagatee servers i.e. follower servers maintaining similar logs (column 10, lines 30-40).

**Claims 3 and 13:**

With regard to the limitations of:

- *a least one client computer coupled to the communication network for requesting authorizations to use the protected software;*
- *a pool of license servers coupled to the communication network, each license server programmed for managing a distribution of one or more allocations to at least one client computer to use the protected software, the pool of license servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool;*
- *the pool of license servers includes at least one follower server, each follower server programmed for managing the distribution of allocations for that particular follower server;*

See the rejections of claims 1 and 11 above.

With regard to the limitation of *each license server includes memory for storing a status of the allocations for that particular license server*, Wyman, in Figure 1 and related text, shows servers storing license information in a local database and delegating authorizations through delegate servers (column 11, lines 12-16). Wyman also discloses delegatee servers i.e. follower servers maintaining similar logs (column 10, lines 30-40).

With regard to the limitation of *wherein each follower server is programmed for communicating the status of the allocations for that particular follower server to the current leader server, and wherein upon selecting a new leader server from the pool, the new leader server further program for receiving from each license server status of allocations for that particular license server*, Wyman discloses license servers as shown above, Badovinatz discloses leader and follower servers as shown above, Ohran discloses back up servers and transferring data from one server to another in the case of a failure (abstract). Novaes discloses Dynamic Multicast Routing (DRM) in the abstract, and in column 10, lines 38-42,

Novaes discloses selecting a new group leader from a Group leader membership list. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran and modify it with Badovinatze and Novaes because if the primary server has gone down, then a back up server may communicate with the client machine to authorize the use of an application, thereby taking over license management function, thereby increasing efficiency. In addition, the Applicant in the background of the specification (pages 4 and 5) discloses a SentinelLM system which, in the event of a crashed license server, polls each server computer having a license file containing license Information corresponding to the protected software program. In this way an update of the currently issued licenses is available. It would have been obvious to one of ordinary skill in the art at the time the invention to combine the multiple server and leader server systems and techniques of Wyman/Ohran/Badovinatze/Novaes with the Applicant's disclosure indicating that a polling process these use to update the current status of issued licenses because in the event of a license server crash proper authorizations for the use of protect the software are maintained.

**Claim 4:**

Claim 4 recites substantially the same limitations as claims 1 and 3, and is therefore rejected on the same grounds. With regard to the limitation of *each follower server is programmed such that it is capable of becoming a new leader server if the current leader server can no longer manage the distribution of allocations the license servers*, the combination of Wyman/Ohran/Badovinatze/Novaes/Applicant inherently disclose this programming step, as evidenced in the rejection of claim 3 above.

**Claims 5 and 14:**

The combination of Wyman/Ohran/Badovinatze/Novaes/Applicant discloses the limitations as shown above. Wyman/Ohran/Badovinatze/Novaes/Applicant do not specifically disclose *the*



*pool of license servers are programmed for communicating with each other and determining, when a particular license server can no longer manage a distribution of allocations to use the protected software.* Badovinat, however, in Figure 5a and related text, discloses selecting a new group leader when a current server has failed, and informing other servers of the change in leadership. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/Badovinat/Novaes because, "It ensures that the members of the group are aware of the new group leader and can count on the group leader to control and manage the group" (Badovinat, column 2, lines 1-6).

**Claim 20:**

With regard to the limitations of:

- *coupling at least one client computer to the communication network for enabling the at least one client computer to issue a request for an authorization to use the protected software over the communication network;*
- *coupling a pool of license servers to the communication network, each license server managing a distribution of allocations to at least one client computer to use the protected software and managing a record of allocations;*
- *selecting one of the license servers in the pool as a current leader server and maintaining a record of allocations for license servers in the pool with the current leader server;*
- *designating other license servers that are not the current leader server as follower servers;*
- *selecting one of the follower servers as a new leader server whenever the current leader server can no longer manage the distribution of allocations for the license servers; and*

- *transmitting the record of allocations for each license server to the new leader server;*
- 

See the rejections of claims 1, 4 and 11 above.

**Claims 21-25:**

With regard to the limitations of:

- *the current leader server is programmed for communicating a heartbeat to each follower server;*
- *each follower server is programmed for communicating an acknowledgement to the current leader server in response to the heartbeat; and*
- *the current leader server designates a follower server as being down if no acknowledgement is received from that follower server;*
- *if a follower server does not receive the heartbeat from the current leader, then the follower server that did not receive the heartbeat sends a check message to the current leader;*
- *if the follower server that did not receive the heartbeat does not receive a response from the current leader in reply to the check message, then the follower server that did not receive the heartbeat starts an election process to elect a new current leader;*
- *if a follower server becomes the new leader server, then the new leader server sends a heartbeat to each of the remaining follower servers;*
- *each of the remaining follower servers communicates the status of the allocations for that particular follower server to the new leader server;*
- *the first license server to begin operation in the pool of license servers is designated as the current leader server;*

- *the current leader server maintains a list that indicates whether or not each particular follower server is in operation;*
- *the current leader server sends the list to each follower server; and*
- *the follower servers use the information contained in the list to select a new leader server if the current leader server can no longer manage the distribution of allocations for the license servers;*

Badovinatz discloses procedure if a processor fails (see at least column 7, lines 45-56), and the process of selecting a group leader, including new leader lists (see at least column 5, line 33 to column 7, line 44). Novaes, in at least column 11, line 50 to column 12, line 14 also discloses a leadership change protocol, as well as an election of the new leader server.

**Claim 26:**

The following limitations substantially recite the same breath and scope as in claims 1, 3, and 4 and are therefore rejected on the same grounds.

- *a least one client computer coupled to the communication network for requesting authorizations to use the protected software;*
- *a pool of license servers coupled to the communication network, each license server programmed for managing a distribution of one or more allocations to at least one client computer to use the protected software, the pool of license servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool;*
- *the pool of license servers includes at least one follower server;*
- *each follower server is programmed such that it is capable of becoming a new leader server if the current leader server can no longer manage the distribution of allocations the license servers;*

- *the pool of license servers are programmed for communication with each other and determining when a particular license server can no longer manage a distribution of allocations to use the protected software;*

With regard to the limitations of:

- *each client computer that has received an authorization from a particular license server, and the particular license server that sent the authorization to the client computer, are programmed for communicating heartbeats between each other;*
- *each client computer that has received an authorization from a particular license server also receives a leader priority list from that particular license server;*
- *each client computer that has received an authorization from a particular license server is programmed for determining whether that particular license server is still capable of managing a distribution of allocations to use the protected software; and*
- *each client computer that has received an authorization from a particular license server but has determined that particular license server is no longer capable of managing a distribution of allocations to use the protected software is programmed for locating another license server by using the leader priority list;*

Wyman/Ohran/Badovinat/Novaes/Applicant disclose the limitations as shown above.

Wyman/Ohran/Badovinat/Novaes/Applicant do not specifically disclose *the pool of license servers are programmed for communicating with each other and determining, when a particular license server can no longer manage a distribution of allocations to use the protected software.*

Badovinat, however, in Figure 5a and related text, discloses selecting a new group leader when a current server has failed, and informing other servers of the change in leadership. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/Badovinat/Novaes because, "It ensures that the members of the group are aware

of the new group leader and can count on the group leader to control and manage the group"

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(Badovinat, column 2, lines 1-6).

**Claim 27:**

The following limitations substantially recite the same breath and scope as in claims 1, 3, and 4 and are therefore rejected on the same grounds.

- *a least one client computer coupled to the communication network for requesting authorizations to use the protected software;*
- *a pool of license servers coupled to the communication network, each license server programmed for managing a distribution of one or more allocations to at least one client computer to use the protected software, the pool of license servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool;*

With regard to the limitation of *the current leader server manages a distribution of allocations to more than one client computer to use the protected software*, the combination of Wyman/Ohran/Badovinat/Novaes/Applicant discloses multiple client machines when it discloses a client sever computer network as shown above.

**Claim 28:**

The following limitations substantially recite the same breath and scope as in claims 1, 3, and 4 and are therefore rejected on the same grounds:

- *a least one client computer coupled to the communication network for requesting authorizations to use the protected software;*
- *a pool of license servers coupled to the communication network, each license server programmed for managing a distribution of one or more allocations to at least one client computer to use the protected software, the pool of license*

*servers including a current leader server programmed for maintaining a record of allocations for license servers in the pool;*

- *the pool of license servers includes at least one follower server, each follower server programmed for managing the distribution of allocations for that particular follower server*

With regard to the limitations of:

- *a first follower server authorizes a first client computer to use the protected software; and*
- *the current leader server authorizes a second client computer to use the protected software;*

The combination of Wyman/Ohran/Badovinat/Novaes/Applicant discloses license servers authorizing the use of protected software. In this case, follower servers and leader servers are both equivalently programmable to serve the same functions and accomplish the same goals using the same techniques.

**Claims 29-33:**

Claims 29-33 recite substantially the same limitations as claims 21-25 and are therefore rejected on the same basis.

**Claim 34:**

Claim 34 recites substantially the same limitations as shown in claims 16 and 26 and is therefore rejected on the same basis.

**Claim 35:**

Claim 35 recites substantially the same limitations as shown in claim 27 and is therefore rejected on the same basis.

**Claim 36:**

Claim 36 recites substantially the same limitations as shown in claim 28 and is therefore rejected on the same basis.

**Claim 37:**

With regard to the limitation of *the new leader server is programmed for transmitting a signal to each license server in the pool identifying itself as the new current leader, and receiving the record of distribution in response to ten transmitted signal*, Wyman discloses license servers as shown above, Badovintz discloses leader and follower servers as shown above, and Ohran discloses back up servers and transferring data from one server to another in the case of a failure (abstract). Novaes discloses Dynamic Multicast Routing (DRM) in the abstract, and in column 10, lines 38-42, Novaes discloses selecting a new group leader from a Group leader membership list. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran and modify it with Badovintz and Novaes because if the primary server has gone down, then a back up server may communicate with the client machine to authorize the use of an application, thereby taking over license management function, thereby increasing efficiency. In addition, the Applicant in the background of the specification (pages 4 and 5) discloses a SentinelLM system which, in the event of a crashed license server, polls each server computer having a license file containing license information corresponding to the protected software program. In this way an update of the currently issued licenses is available. It would have been obvious to one of ordinary skill in the art at the time the invention to combine the multiple server and leader server systems and techniques of Wyman/Ohran/Badovintz/Novaes with the Applicant's disclosure indicating that a polling process these use to update the current status of issued licenses because in the event of a license server crash proper authorizations for the use of protect the software are maintained.

**Claims 38-40:**

With regard to the limitation of *upon receipt of the record of distribution from each license server, the new leader is programmed for amending its record of distribution to include the record of distribution for each license server such that a new record of allocations for the licensed servers in the pool is created on the new leader*, Wyman discloses license servers as shown above, Badovinatx discloses leader and follower servers as shown above, and Ohran discloses back up servers and transferring data from one server to another in the case of a failure (abstract). Novaes discloses Dynamic Multicast Routing (DRM) in the abstract, and in column 10, lines 38-42, Novaes discloses selecting a new group leader from a Group leader membership list. In addition, Badonovitz, in at least column 12, lines 34-42 discloses group state value that is updated by the group. It would have been obvious to one of ordinary skill in the art at the time the invention to modify the multiple server and leader server systems and techniques of Wyman/Ohran/Badovinatx/Novaes/Applicant by substituting the group state value with a license state value of the network because this would ensure that an accurate accounting of properly issued licenses is maintained.

7. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman/Ohran/Badovinatx/Novaes/Applicant and further in view of Baratti et al. (GB 2,346,989).

**Claims 6 and 15:**

The combination of Wyman/Ohran/Badovinatx/Novaes/Applicant discloses the limitations as shown above. Wyman/Ohran/Badovinatx/Novaes/Applicant do not specifically disclose *the license servers are programmed for preventing the issuance of an authorization to use protected software unless a majority of license servers are functioning and capable of managing a distribution of allocations to use the protected software*. However, Baratti, in the abstract and related text, discloses. "For security, the license management system requires that



at least the integer majority, M, of the plurality of license servers is active at any time..." It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/Badovintz/Novaes/Applicant with Baratti because this prevents the unintended distribution of licenses.

8. Claims 7-10 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman/Ohran/Badovintz/Novaes and further in view of Bains et al. (US 5,579,222).

**Claims 7 and 16:**

The combination of Wyman/Ohran/Badovintz/Novaes/Applicant discloses the limitations as shown above. Wyman/Ohran/Badovintz/Novaes/Applicant do not specifically disclose:

- *each client computer that has received an authorization from a particular license server, and the particular license server that sent the authorization to the client computer, are programmed-for communicating heartbeats between each other; and*
- *each client computer that has received an authorization from a particular license server is programmed for determining whether that particular license server is still capable of managing a distribution of allocations to use the protected software;*

Bains, however, in column 7, lines 43-46, discloses using a ping to determine if a server is still functioning properly. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/Badovintz/Novaes with Bains because using a periodic signal to ensure that a license server is operating properly ensures that the usage rights associated with each license is not being fraudulently manipulated.

**Claims 8 and 17:**

With regard to the limitation of *locating a new leader server*, BadovinatZ discloses designation a new leader in a group of processors when the current leader fails, as shown in the rejection of claims 1 and 11 above. With regard to the limitation of *communicating a heartbeat from the client computer to the new leader server*, Bains, column 7, lines 43-46, discloses using a ping to determine if a server is still functioning properly, as shown in the rejection of claims 7 and 16 above. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/BadovinatZ/Novaes/Applicant with Bains because if, after determining that local license sever is no longer functional, a new license server must be selected to replace the licensing capabilities, thus maintaining an efficient and seamless licensing provision.

**Claims 9 and 18:**

The combination of Wyman/Ohran/BadovinatZ/Novaes/Applicant discloses the limitations as shown above. Wyman/Ohran/BadovinatZ/Novaes/Applicant do not specifically disclose:

- *determining if the new leader server had already issued an authorization to the client computer; and*
- *converting the heartbeat to a request for an authorization if the new leader server had not already issued an authorization to the client computer.*

However, Bains, in column 8, line 60 to column 9, line 20, discloses a lost signal to the license sever, wherein a temporary license may be issued, or a new license may be requested. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/BadovinatZ/Novaes/Applicant with Bains because if, after determining that local license sever is no longer functional, a new license server must be selected to replace the licensing capabilities, and if a new request for a current license is warranted, thus maintaining an efficient and seamless licensing provision.

**Claims 10 and 19:**

The combination of Wyman/Ohran/Badovinat/Novaes/Applicant discloses the limitations as shown above. Wyman/Ohran/Badovinat/Novaes/Applicant do not specifically disclose:

- *if a particular license server is no longer capable of managing a distribution of allocations to use the protected software, the memory in the particular license server is capable of receiving a new redundant license file and a new sequence number; and*
- *if the particular license server is brought back on line and if the new sequence number is greater than any sequence number currently stored in the memory of the other license servers in the pool, the particular license server and the other license servers in the pool are programmed for transferring the new redundant license file to other license servers in the pool.*

However, Badovinat in column 8, lines 1-44 discloses using sequence numbers to keep track of messages when a server fails or when a new leader server is selected. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Wyman/Ohran/Badovinat/Novaes/Applicant with Bains because if, after determining that local license sever is no longer functional, a new license server must be selected to replace the licensing capabilities there must be an assurance that the new server leader has a current list of license data.

**Conclusion**

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9. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
  
10. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

16 November 2004

  
JAMES A. REAGAN  
SUPERVISORY PATENT EXAMINER  
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